

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Request for Waiver by	)	
	)	
Ridgefield Public Schools	)	File No. SLD-264165
Ridgefield, Connecticut	)	
	)	
Federal-State Joint Board on	)	CC Docket No. 96-45
Universal Service	)	
	)	
Changes to the Board of Directors of the	)	CC Docket No. 97-21
National Exchange Carrier Association, Inc.	)	

**ORDER**

**Adopted: May 22, 2002**

**Released: May 23, 2002**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Waiver Request filed by Ridgefield Public Schools (Ridgefield), Ridgefield, Connecticut.<sup>1</sup> Ridgefield seeks a waiver of the Commission’s rules governing discounts for services under the schools and libraries universal service support mechanism.<sup>2</sup> Specifically, Ridgefield requests that its application be considered as filed within the filing deadline for Funding Year 4.<sup>3</sup> For the reasons set forth below, we deny Ridgefield’s Waiver Request.

2. Under the schools and libraries universal service support mechanism, eligible schools, libraries, and consortia that include eligible schools and libraries, may apply for discounts for eligible telecommunications services, Internet access, and internal connections.<sup>4</sup> In

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<sup>1</sup> On August 24, 2001, Ridgefield filed copies of its appeal letter to SLD and subsequent reply from SLD with the Federal Communications Commission. Letter from Donna Case, Ridgefield Public Schools, to Schools and Libraries Division, Universal Service Administrative Company, dated July 19, 2001 (SLD Appeal Letter); Letter from Schools and Libraries Division, Universal Service Administrative Company, to Donna Case, Ridgefield Public Schools, dated August 6, 2001(Administrator’s Decision on Waiver Request Letter) (collectively Waiver Request). The SLD Appeal Letter directed Ridgefield to make any request for waiver directly to the Commission. We will construe Ridgefield’s mailing of these two letters to the Commission as a request for waiver and base our decision on the arguments contained therein.

<sup>2</sup> See Waiver Request. Section 54.719(c) of the Commission’s rules provides that any person aggrieved by an action taken by a division of the Universal Service Administrative Company (Administrator) may seek review from the Commission. 47 C.F.R. § 54.719(c).

<sup>3</sup> See Waiver Request.

<sup>4</sup> 47 C.F.R. §§ 54.501–54.503.

order to receive discounts on eligible services, the Commission's rules require that the applicant submit to the Schools and Libraries Division (SLD) of the Administrator a completed FCC Form 470, in which the applicant sets forth its technological needs and the services for which it seeks discounts.<sup>5</sup> The Administrator must post the FCC Form 470 on its website, and the applicant is required to wait 28 days before making a commitment with a selected service provider.<sup>6</sup> Once the applicant has complied with the Commission's competitive bidding requirements and entered into an agreement for eligible services, it must file an FCC Form 471 application to notify the Administrator of the services that have been ordered, the carrier with whom the applicant has entered into an agreement, and an estimate of funds needed to cover the discounts to be given for eligible services.<sup>7</sup>

3. The Commission's rules allow the Administrator to implement an internal filing period ("filing window") for the FCC Form 471 applications that treats all schools and libraries filing within that period as if their applications were simultaneously received.<sup>8</sup> Applications that are received outside this filing window are subject to separate funding priorities under the Commission's rules.<sup>9</sup> It is to all applicants' advantage, therefore, to ensure that the Administrator receives their applications prior to the close of the filing window. The Funding Year 4 application window closed on January 18, 2001.<sup>10</sup>

4. According to the record before us, Ridgefield electronically filed the bulk of its FCC Form 471 application on January 30, 2001.<sup>11</sup> Ridgefield's Block 6 certification page was mailed on January 31, 2001.<sup>12</sup> There are no Item 21 attachments in the record. In its appeal to SLD, Ridgefield stated that it has paperwork to prove that the FCC Form 471 for telecommunications service was submitted within the filing window.<sup>13</sup> However, Ridgefield did not include copies of any documents that would offer such proof. Therefore, we find that Ridgefield's application was not filed before the Funding Year 4 filing window closed.

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<sup>5</sup> 47 C.F.R. § 54.504(b)(1), (b)(3).

<sup>6</sup> 47 C.F.R. § 54.504(b)(3), (4); § 54.511.

<sup>7</sup> 47 C.F.R. § 54.504(c).

<sup>8</sup> 47 C.F.R. § 54.507(c).

<sup>9</sup> 47 C.F.R. § 54.507(g).

<sup>10</sup> SLD website, What's New (November 2, 2000)  
<<http://www.sl.universalservice.org/whatsnew/112000.asp#110200>>.

<sup>11</sup> FCC Form 471, Ridgefield Public Schools, filed January 31, 2001 (application 264165 with applicant having identified the form by reference to its request for support for "telephone service") (electronic portion of form submitted on January 30, 2001).

<sup>12</sup> *Id.* (postmark of envelope containing certification).

<sup>13</sup> SLD Appeal Letter.

5. A Waiver Request for Ridgefield can be granted only if waiving the deadline is supported by a showing of good cause.<sup>14</sup> A deviation from a general rule is not permitted unless special circumstances warrant it and the deviation would better serve the public interest than strict adherence to the general rule.<sup>15</sup> SLD reviews and processes thousands of applications each year, and therefore it is administratively necessary to place on the applicant responsibility for complying with our rules and procedures.<sup>16</sup>

6. Ridgefield does not offer any explanation of why its FCC Form 471 application was filed after the filing deadline. Therefore, we conclude that Ridgefield has failed to demonstrate special circumstances upon which its Waiver Request can be granted.

7. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, 1.3, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, and 54.722(a), that the Waiver Request filed by Ridgefield Public Schools, Ridgefield, Connecticut, on August 24, 2001, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert  
Deputy Chief, Telecommunications Access Division  
Wireline Competition Bureau

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<sup>14</sup> See 47 C.F.R. § 1.3.

<sup>15</sup> *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (appeals court vacating a Commission decision to grant a waiver in a licensing issue, because it was arbitrary and capricious).

<sup>16</sup> See *Request for Review by Anderson School Staatsburg, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-133664, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 25610, para. 8 (Com. Car. Bur. 2000).